

STATE OF MICHIGAN  
COURT OF APPEALS

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In the Matter of DAMEN SCOTT WHITMAN-  
KOVICH, Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

REN KOVICH,

Respondent-Appellant.

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UNPUBLISHED

April 23, 2009

No. 287817

Monroe Circuit Court

Family Division

LC No. 07-020359-NA

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In the Matter of ABIGAIL HAZEL WHITMAN,  
Minor.

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DEPARTMENT OF HUMAN SERVICES,

Petitioner-Appellee,

v

REN KOVICH,

Respondent-Appellant.

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No. 289377

Monroe Circuit Court

Family Division

LC No. 07-020359-NA

Before: Borrello, P.J. and Murphy and M. J. Kelly, JJ.

PER CURIAM.

In these consolidated appeals, respondent challenges two orders that terminated his parental rights to the minor children under MCL 712A.19b(3)(g) and (j). Because we conclude that there were no errors warranting relief, we affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were proven by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). The children were removed, in part, on allegations that respondent failed

to provide for their care. Respondent also had a history of domestic violence against the children's mother. Respondent admitted these allegations and was ordered to comply with the service agreement. By his own admission, respondent did nothing to comply. Respondent's total failure to attempt to complete services was evidence that he was not in a position to provide the children with proper care or custody. More importantly, however, was the fact that respondent was in prison at the time of the termination trials and not due to be released until April 2009. Although respondent testified that he would be able to support the children within a month of his release by taking a job that was waiting for him and living with his fiancé and her parents, a caseworker testified that DHS would undoubtedly expect respondent to prove himself for at least six months before any reunification would be considered. By that time the children would have been in care for nearly two years, which was too long for them to wait, considering their young ages. The evidence clearly established that respondent was unable to provide proper care or custody for the children. In addition, respondent's imprisonment and criminal lifestyle, along with his violent behavior toward the children's mother, supported a finding that returning the children to his care would subject them to harm.

Having found the statutory grounds for termination proven by clear and convincing evidence, the trial court was obligated to terminate respondent's parental rights if it was in the children's best interests to do so. MCL 712A.19b(5). The evidence revealed that there was no bond between respondent and either of the children, who had spent most of their lives apart from him. Respondent admitted that, even when he was not in prison, he "couldn't tell you" where the children lived most of the time. His idea of parenting was picking the mother and children up at a gas station, taking them to eat, and buying a few outfits. There was no evidence that he had any actual hands-on experience with the children. Even taking his testimony at face value, respondent and the children lived together as a family for only two months. In addition, respondent made no effort in this case. Not only did he fail to avail himself of services, he also failed to visit the children when given the opportunity to do so. The worker set up numerous visits for respondent, but he appeared at none. She ultimately decided that no more visits would be scheduled until respondent contacted her and began making an effort on his case. This never happened. In fact, respondent testified that he did not even know the caseworker. Respondent had not seen either child since the summer of 2007. Even he admitted that there was no bond. Therefore, the trial court did not err in finding that termination of respondent's parental rights was in the children's best interests.

Affirmed.

/s/ Stephen L. Borrello  
/s/ William B. Murphy  
/s/ Michael J. Kelly